

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

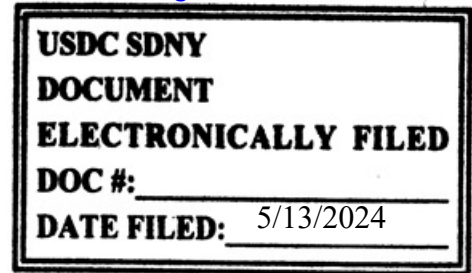
AUDREY PALMIEIRI,

Plaintiff,

-against-

HAWKINS, DELAFIELD & WOOD LLP,

Defendant.



24-CV-03645 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction *sua sponte*.

“It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.” *Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996) (internal quotation marks omitted). Where a complaint premised on diversity of citizenship names a limited liability partnership (“LLP”) as a party, the complaint must allege the citizenship of each of its general and limited partners because an LLP is treated as a citizen of every state of which its partners are citizens. *See Handelsman v. Bedford Vill. Assocs. Ltd. P’ship*, 213 F.3d 48, 51–52 (2d Cir. 2000); *Carden v. Arkoma Assocs.*, 494 U.S. 185, 196 (1990).

Defendant is an LLP. *See* Complaint, Dkt. No. 1 ¶ 30. Plaintiff only alleged that Defendant is organized under the laws of New York and has a principal place of business in New York. *See id.* ¶¶ 23, 30. Plaintiff did not allege the citizenship of any of Defendant’s partner(s).

Within 45 days of this Order, Plaintiff may file an Amended Complaint that expressly alleges the citizenship of all partners of the Defendant. If any corporation is a partner of the Defendant, the Amended Complaint shall state the jurisdiction under whose laws the corporation is incorporated and the principal place of business. If, by this date, Plaintiff fails to amend the Complaint to truthfully allege complete diversity of citizenship, then the action will be dismissed for lack of subject matter jurisdiction without further notice to any party.

Dated: May 13, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge